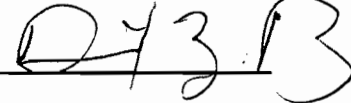


other and further relief as the Court may deem just and proper.

Dated: New York, New York
September 6, 2007

COVINGTON & BURLING LLP

By: 

David Z. Pinsky (DP 0653)
620 Eighth Avenue
New York, NY 10018
(212) 841-1000

1201 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 662-6000

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	DECLARATION OF
- against -	:	DAVID Z. PINSKY
	:	IN SUPPORT OF
IBM PERSONAL PENSION PLAN and	:	MOTION TO ADMIT
KENNETH J. MORRISSEY, Plan Administrator,	:	COUNSEL PRO HAC VICE
	:	
Defendants.	:	ECF CASE
	:	
	:	
	:	
-----	X	

David Z. Pinsky declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an associate with the law firm of Covington & Burling LLP, counsel of record in this action for Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator. I was admitted to practice before the U.S. District Court for the Southern District of New York on October 10, 2006 and remain in good standing therein. I submit this declaration in support of Defendants' application for an order granting the *pro hac vice* admissions of Jeffrey G. Huvelle and David H. Remes of Covington & Burling LLP as Defendants' co-counsel of record.

2. I am familiar with Messrs. Huvelle and Remes as they are members of Covington & Burling LLP, with offices located at 1201 Pennsylvania Ave., N.W., Washington, D.C., 20004. I believe them to be attorneys of good character, competence, and experience.

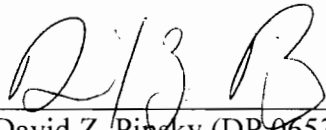
3. Accompanying this Declaration are Messrs. Huvelle's and Remes's own Declarations in which they describe their experience and knowledge of the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

4. For the Court's convenience, a copy of a proposed order granting this application is annexed hereto as Exhibit 1.

WHEREFORE, Declarant respectfully requests that this Court issue an Order admitting Jeffrey G. Huvelle and David H. Remes of Covington & Burling LLP *pro hac vice* in this action as co-counsel for Defendants, together with such other and further relief as the Court shall seem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of September 2007 in New York, New York.



David Z. Pinsky (DP-0653)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	ORDER
	:	
- against -	:	
	:	
IBM PERSONAL PENSION PLAN and	:	ECF CASE
KENNETH J. MORRISSEY, Plan Administrator,	:	
	:	
Defendants.	:	
	:	
-----	x	

This matter having been brought before the Court by Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator, through their counsel Covington & Burling LLP, by motion pursuant to Local Civil Rule 1.3(c) for an order admitting Jeffrey G. Huvelle and David H. Remes *pro hac vice*, on notice to all parties hereto, and the Court having reviewed and considered the papers filed in support of this motion, it is hereby

ORDERED that Jeffrey G. Huvelle and David H. Remes be and hereby are admitted *pro hac vice* in connection with this action and they shall abide by the provisions of the Local Rules of this Court in all respects and be subject to the disciplinary jurisdiction of the Court in accordance with Local Civil Rule 1.5.

SO ORDERED:

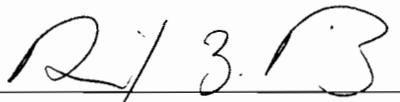
U.S.D.J.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing **NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE** (dated September 6, 2007), **DECLARATION OF DAVID H. REMES** (dated September 5, 2007), **DECLARATION OF JEFFREY G. HUVELLE** (dated September 5, 2007), and **PROPOSED ORDER** to be served by First Class Mail upon the following attorneys of record to the within action (07 CV 6984 (JSR)) in accordance with Rule 5 of the Federal Rules of Civil Procedure on this 6th day of September, 2007:

Eli Gottesdiener, Esq.
GOTTESDIENER LAW FIRM, PLLC
498 7th Street
Brooklyn, New York 11215

Attorneys for Plaintiff and the proposed Class



David Z. Pinsky

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	DECLARATION OF
- against -	:	JEFFREY G. HUVELLE
	:	
IBM PERSONAL PENSION PLAN and	:	ECF CASE
KENNETH J. MORRISSEY, Plan Administrator,	:	
	:	
Defendants.	:	
	:	
	:	
	:	
-----	x	

Jeffrey G. Huvelle declares as follows pursuant to 28 U.S.C. § 1746:

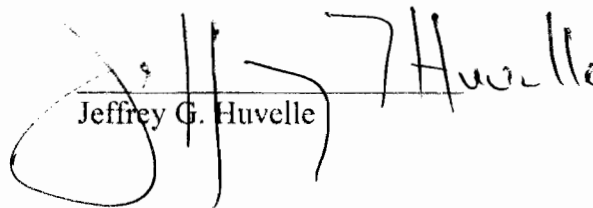
1. I am a member of the firm of Covington & Burling LLP in the District of Columbia and am counsel to Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator, the above-captioned matter.
2. I submit this Declaration in support of Defendants' Motion to Admit Counsel *pro hac vice* in connection with this action pursuant to Local Civil Rule 1.3(c) of this Court.
3. I have been admitted to practice in the District of Columbia since 1976, and I am currently in good standing in the Bar of the District of Columbia. A certificate of good standing from the District of Columbia Court of Appeals is annexed hereto as Exhibit A.
4. I have read and am familiar with (a) the provisions of the Judicial Code which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal

Rules of Evidence; and (e) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

5. I will faithfully adhere to all rules applicable to my conduct in connection with any activities of this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of September 2007 in Washington, D.C.


Jeffrey G. Huvelle



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, CARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JEFFREY G. HUVELLE

was on the 19th day of MAY, 1976

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on September 5, 2007.

GARLAND PINKSTON, JR., CLERK

By: *Robyn Gil*
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	DECLARATION OF
- against -	:	DAVID H. REMES
	:	
IBM PERSONAL PENSION PLAN and	:	ECF CASE
KENNETH J. MORRISSEY, Plan Administrator,	:	
	:	
Defendants.	:	
	:	
	:	
	:	
-----	X	

David H. Remes declares as follows pursuant to 28 U.S.C. § 1746:

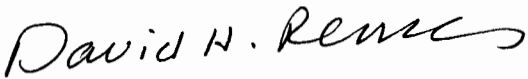
1. I am a member of the firm of Covington & Burling LLP in the District of Columbia and am counsel to Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator, the above-captioned matter.
2. I submit this Declaration in support of Defendants' Motion to Admit Counsel *pro hac vice* in connection with this action pursuant to Local Civil Rule 1.3(c) of this Court.
3. I have been admitted to practice in the District of Columbia since 1983, and I am currently in good standing in the Bar of the District of Columbia. A certificate of good standing from the District of Columbia Court of Appeals is annexed hereto as Exhibit A.
4. I have read and am familiar with (a) the provisions of the Judicial Code which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal

Rules of Evidence; and (e) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

5. I will faithfully adhere to all rules applicable to my conduct in connection with any activities of this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of September 2007 in Washington, D.C.



David H. Remes



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

DAVID H. REMES

was on the 20th day of JUNE, 1983
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on
September 5, 2007.

GARLAND PINKSTON, JR., CLERK

By: *Robert C. [Signature]*
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	ORDER
	:	
- against -	:	
	:	
IBM PERSONAL PENSION PLAN and	:	ECF CASE
KENNETH J. MORRISSEY, Plan Administrator,	:	
	:	
Defendants.	:	
	:	
-----	X	

This matter having been brought before the Court by Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator, through their counsel Covington & Burling LLP, by motion pursuant to Local Civil Rule 1.3(c) for an order admitting Jeffrey G. Huvelle and David H. Remes *pro hac vice*, on notice to all parties hereto, and the Court having reviewed and considered the papers filed in support of this motion, it is hereby

ORDERED that Jeffrey G. Huvelle and David H. Remes be and hereby are admitted *pro hac vice* in connection with this action and they shall abide by the provisions of the Local Rules of this Court in all respects and be subject to the disciplinary jurisdiction of the Court in accordance with Local Civil Rule 1.5.

SO ORDERED:

U.S.D.J.